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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/805,633	03/22/2004	Phillip V. Ridings	

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CONFIRMATION NO. 3680

FORMALITIES LETTER



OC000000013829779

Adjustment date: 10/20/2004 HLE333
 03/25/2004 EHAILE1 00000082 10805633
 01 FC:2001 -380.00 OP

Date Mailed: 09/17/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/20/2004 HLE333 00000006 10805633

FILED UNDER 37 CFR 1.53(b)

01 FC:2051 65.00 OP
 02 FC:2001 385.00 OP

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is insufficient.
Applicant must submit \$ 5 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible (see 37 CFR 1.84(o)). See Figure(s) 1-7, O.
- Replacement claim(s) commencing on a separate sheet in compliance with 37 CFR 1.75(h) and 1.121 is required.
- A replacement abstract commencing on a separate sheet in compliance with 37 CFR 1.72(b) and 37 CFR 1.121 is required.

- A replacement abstract not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) and 37 CFR 1.121 is required.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **P** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$344** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$414** for a Small Entity

- **\$5** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is **\$344**

- **\$344** for 8 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Z. Hays

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



To the inspector of this patent:

Inclosed you will find the changes made to the requested information on your Formalities Letter dated 9/17/2004.

I have inclosed a check for the total expected amount - less the \$344 for the 8 extra claims made on the patent. After talking to one of the on site patent clerks in your office the 11 claims have been reduced to 3 claims with wording that reflects the reference to either claim 1, 2 or 3. These changes can be found on a new set of pages I have also included the Replacement Claim(s) in compliance with 37 CFR 1.75(h) and 1.121 as required.

I have fixed the Replacement drawings per your instructions in compliance with 37 CFR 1.84 and 37 CFR 1.121 and removed the excessive text and left only a legend on each page with as few words as possible (under 37 CFR 1.84(o) for Figure(s) 1-7, O.

I have a new replacement abstract commencing on a new sheet dictated in a words less than 150 in compliance with 37 CFR 1.72(b) and 37 CFR 1.121 as required.

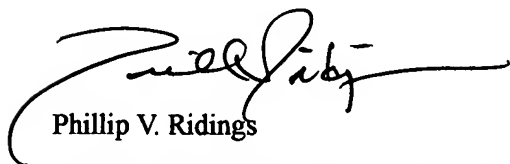
I have included the missing or omitted Figure(s) P described in the specification.

I have also included the oath or declaration in compliance with 37 CFR 1.63 using patent form PT/SB/01 (09-04).

Knowing that my patent would not make it through the first inspection I decided to wait before filing a change of address using your "Change of Correspondence Address" form PTO/SB/122 which is also enclosed.

Should this packet meet with you expectations you will find a check for the balance owed on the patent, (\$70). For a \$5 basic filing fee for small entity and \$65 to avoid abandonment for a late fee or declaration surcharge in compliance with 37 CFR 1.27. for a total of \$70.

Thank you for your time and consideration



Phillip V. Ridings

Inventor / iQueVision...because eye exams will never look the same!